UNITED
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A/49/907
S/1995/432
30 May 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 29 May 1995 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter dated 29 May 1995 from H.E. Mr. Hasan Muratovic, Minister in the Government of the Republic of Bosnia and Herzegovina, President of the State Committee for Cooperation with the United Nations, addressed to the Under-Secretary-General for Peace-keeping Operations (see annex).

May I ask for your kind assistance in circulating the present letter and its annex as a document of the General Assembly under agenda item 39, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

95-16008 (E) 300595 310595

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ANNEX

The city of Sarajevo, besieged for more than three years by the Serb aggressor forces, is again deprived of electricity, natural gas, and water, while deliveries of petroleum products, indispensable to the survival of Sarajevo's citizens, have been blocked.

On 26 May, at 1.30 p.m., the Serb aggressor forces disconnected the main transformer stations, leaving Sarajevo completely without power supply. Without doubt, this is a deliberate disconnection, and manifests a brutal and often-used tactic, directed at Sarajevo's civilian population.

Simultaneously, the aggressor continues to use for its own purposes the electric power produced at the electric power system of the Federation of the Republic of Bosnia and Herzegovina, but does not supply power to the Bacevo water pumping station, thereby totally depriving Sarajevo of its water supply.

Over an extended period, the aggressor has been reducing the flow of natural gas to Sarajevo by closing the valve in Zvornik. However, on 27 May, this valve was completely closed and the delivery of gas to the territories under control of the legal authorities of the Republic of Bosnia and Herzegovina has totally stopped.

A delegation of the Republic of Bosnia and Herzegovina recently visited the Russian Federation and arranged for a regular supply of natural gas to all consumers on the territory of the Republic.

Unless the gas supply is completely restored, we shall be forced to cancel temporarily the delivery of natural gas through the Sanctions Committee of the Hungarian Government.

As far as petroleum products are concerned, it is now more than one year since the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Protection Force (UNPROFOR) ceased to deliver this type of fuel, providing for an extremely critical situation.

In short, the current energy supply for Sarajevo is abysmal, and it can be reasonably concluded that Sarajevo's population now faces dire circumstances.

We require the undertaking of urgent measures on your part to rectify this situation.

Hasan MURATOVIC
President
State Committee for Cooperation with
the United Nations

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30 May 1995

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 29 May 1995 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter dated 29 May 1995 from H.E. Mr. Alija Izetbegovic, President of the Republic of Bosnia and Herzegovina, addressed to Your Excellency (see annex).

May I ask for your kind assistance in distributing the present letter and its annex as a document of the General Assembly under agenda item 39, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

95-16014 (E) 300595 310595

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ANNEX

Letter dated 29 May 1995 from the President of Bosnia and Herzegovina addressed to theSecretary-General

The international community, particularly the North Atlantic Treaty Organization (NATO) and the United Nations, as well as the Bosnian Government, are at a crossroads with immediate implications. The international community has peace-keepers who are hostages and at risk. We have already incurred a heavy toll in the lives of our civilians in Tuzla and other places, and many others continue to be exposed to similar terrorist actions.

In order for our Government to address the consequences, we must inquire as to whether the weapons exclusion zone and the recent NATO ultimatum around Sarajevo are still in force? Please forward your reply to us.

(Signed) Alija IZETBEGOVIC

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S/1995/434
30 May 1995
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 30 MAY 1995 FROM THE PERMANENT REPRESENTATIVE OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On behalf of the Presidency of the European Union, I have the honour to request your kind assistance in circulating the attached statement concerning the situation in Bosnia and Herzegovina, adopted by the General Affairs Council of the European Union on 29 May 1995, as a document of the Security Council.

(Signed) Jean-Bernard MÉRIMÉE

95-15994 (E) 300595 300595 310595

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Annex

Statement concerning the situation in Bosnia and Herzegovina adopted by the General Affairs Council of the European Union on 29 May 1995

The Council has adopted the following statement:

"The European Union expresses its very serious concern at the worsening of the situation in Bosnia and Herzegovina. It deeply mourns the victims.

It is outraged by the deliberate bombings of civilian populations and by the odious taking of United Nations soldiers and observers as hostages. The European Union roundly condemns the attitude of the Bosnian Serbs and warns them of the possible consequences they may be facing.

The European Union expresses its full support of the United Nations Protection Force (UNPROFOR). It demands a halt to the bombing by the Bosnian Serbs and the immediate and unconditional release of United Nations soldiers and observers being held and threatened by the Bosnian Serbs. It holds Bosnian Serb leaders accountable for the fate of these hostages. It will support measures to strengthen UNPROFOR, which are essential in order for it to recover its freedom of movement, enhance its security and effectively fulfil its mission, in particular to protect the safe areas.

The European Union reaffirms its attachment to the conclusion of an overall settlement of the conflict in the former Yugoslavia that will ensure the sovereignty and territorial integrity of all States within their internationally recognized borders and respect for human rights.

To that end, and as a first step, the European Union supports the diplomatic efforts currently in progress to achieve the mutual recognition of Bosnia and Herzegovina and of the Federal Republic of Yugoslavia (Serbia and Montenegro)."

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A/50/205
S/1995/435
30 May 1995
ENGLISH
ORIGINAL: RUSSIAN

GENERAL ASSEMBLY
Fiftieth session
Item 70 of the preliminary list*
GENERAL AND COMPLETE DISARMAMENT

SECURITY COUNCIL
Fiftieth year

Letter dated 30 May 1995 from the Permanent Representative of Kazakstan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement by the Ministry of Foreign Affairs of the Republic of Kazakstan to the effect that Kazakstan, strictly complying with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty on the Reduction and Limitation of Strategic Offensive Arms, has removed from its territory all nuclear weapons (see annex).

I should be grateful if this letter and its annex were circulated as an official document of the General Assembly, under item 70 of the preliminary list, and of the Security Council.

(Signed) Akmaral Kh. ARYSTANBEKOVA
Ambassador
Permanent Representative of Kazakstan
to the United Nations

* A/50/50.

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ANNEX

Statement by the Ministry of Foreign Affairs of the Republic of Kazakstan of 24 May 1995

The Ministry of Foreign Affairs has been authorized to state that the Republic of Kazakstan, strictly complying with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty on the Reduction and Limitation of Strategic Offensive Arms, has removed from its territory all nuclear weapons.

The security guarantees provided to Kazakstan by the nuclear Powers - the United States of America, the Russian Federation, China, the United Kingdom of Great Britain and Northern Ireland and France - played an important role enabling our State to carry out its obligations under the Treaties in question.

Steadfastly advocating the strengthening of the nuclear non-proliferation regime, Kazakstan, at the recent Conference on the Non-Proliferation Treaty in New York, endorsed the indefinite extension of that basic agreement as a guarantee for maintaining and strengthening global security and stability. Thus, the decision adopted at the Conference on the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons is fully in accordance with the objectives of Kazakstan's international policy.

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S/1995/436
31 May 1995

ORIGINAL: ENGLISH

LETTER DATED 23 MAY 1995 FROM THE PERMANENT REPRESENTATIVES OF BOSNIA AND HERZEGOVINA, CROATIA AND TURKEY TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have the honour to transmit herewith the text of a joint statement issued after the meeting held at Zenica on 18 May 1995 of the Foreign Ministers of Bosnia and Herzegovina, Croatia and Turkey.

We should be grateful if you would have this statement circulated as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative of the
Republic of Bosnia and Herzegovina

(Signed) Mario NOBILO
Ambassador
Permanent Representative of the
Republic of Croatia

(Signed) İnal BATU
Ambassador
Permanent Representative of Turkey

95-16084 (E) 310595 010695

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Annex

Joint statement issued after the Fifth Trilateral Ministerial Meeting of Turkey, Croatia and Bosnia and Herzegovina, held at Zenica on 18 May 1995

At the invitation of H.E. Irfan Ljubijankic, Minister of Foreign Affairs of the Republic of Bosnia and Herzegovina, H.E. Erdal İnönü, Minister of Foreign Affairs of the Republic of Turkey, and H.E. Dr. Mate Granic, Minister of Foreign Affairs of the Republic of Croatia, visited Zenica on 18 May 1995, and held the fifth round of trilateral ministerial talks. The Ministers reviewed the latest developments related to the political and military situation in the region and evaluated the further contribution of their countries in the efforts to achieve a just, lasting and comprehensive settlement of the crisis.

The Ministers strongly condemned the latest shelling of the safe area and the exclusion zone of Sarajevo, the open artillery and infantry attacks against the urban core, as well as the continuation of terror and ethnic cleansing of the Bosniacs and Croats in Banja Luka and other parts of the occupied territories.

The attacks against the safe area of Sarajevo and Bihac and the oppression in Banja Luka were flagrant violations of United Nations resolutions and had to be stopped and sanctioned on the basis of the valid decisions of the international community.

The three Ministers reviewed the situation in the region, noting with great dissatisfaction an evident stalemate in the peace process and the lack of a comprehensive, unambiguous and incentive-oriented attitude on the part of the international community aimed at a lasting and just solution to the crisis. They considered that the indecisive policy of the international community was, in effect, enabling the Bosnian Serbs to continue to reject the peace plan of the Five Nations Contact Group, whereby lack of progress in the activities of the Contact Group aimed at ensuring the conditions for the resumption of political negotiations might lead to the renewal of intensive military activities and further aggravate social and human conditions in Bosnia and Herzegovina. It was the conviction of the Ministers that the re-emergence of such a negative trend would make it imperative that the unjust arms embargo, imposed upon the legal Government of the Republic of Bosnia and Herzegovina by the international community, be lifted, thus enabling the right of self-defence.

The Ministers renewed their firm conviction that the Federation of Bosnia and Herzegovina, which was also open to the Bosnian Serbs, represented the most valuable asset for a lasting solution and preservation of Bosnia and Herzegovina as a multicultural and multiethnic State of the three constituent nations and as a pluralistic democratic society. To that end, they called upon the international community to continue the isolation of the militant extremist and separatist elements of the Bosnian Serbs. They also firmly reiterated the need to continue to uphold the Security Council sanctions regime against the Federal Republic of Yugoslavia (Serbia and Montenegro) so as to urge the Belgrade authorities to give unambiguous and unequivocal support to the peaceful

settlement of the crisis in the region by disassociating itself fully from the extremist and militant factions of the Croatian and Bosnian Serbs and accepting the necessity of mutual recognition within the internationally recognized borders of all the States in the region. The Ministers further underlined the importance of the mutual recognition of all States of the former Yugoslavia as a necessary prerequisite for a solution to all the exiting, disputable issues in the region.

They noted with great satisfaction that the process of political understanding and cooperation between the Bosnian Croat and Bosniac communities was advancing and that new positive steps were being taken to enhance the constitutional, legislative, administrative and security structure of the Federation. They urged the leaders of both communities to continue vigorously the Federation-building process at all levels. They particularly stressed the importance of the adoption of a common platform and joint action by the Bosniacs and Bosnian Croats within the institutions of the Federation.

The Ministers expressed their satisfaction and encouragement of the growing support and assistance to the Federation-building process by the international community through the activities of high officials and coordinators in line with the Munich and Bonn Agreements, in particular within the "Friends of the Federation" group. In that context, they confirmed the resolve of Turkey, Croatia and Bosnia and Herzegovina to continue to support and assist the Bosniacs and Bosnian Croats in their endeavour to make the Federation of Bosnia and Herzegovina a success.

The Ministers also reviewed and endorsed the observations and recommendations submitted by the trilateral ambassadorial good offices group that visited the territory of the Federation of Bosnia and Herzegovina under the mandate of the previous trilateral ministerial meeting, held at Zagreb on 7 December 1994, in order to inquire into the situation in specific communities and to recommend solutions so as to foster the implementation of the Washington Agreements and to enhance confidence between the Bosnian Croats and Bosniacs. The conclusions were as follows:

(a) The trilateral cooperation of Turkey, Bosnia and Herzegovina and Croatia at various levels and in various forms contributed to furthering the normalization of life and confidence-building among the communities in Bosnia and Herzegovina and the three countries should continue the multifaceted cooperation to the benefit of the peace process and stability in the region;

(b) The three Ministers also called upon the Friends of the Federation to instruct their ambassadors in Bosnia and Herzegovina and other diplomatic officers and representatives to continue to cooperate on a multilateral basis in assisting the better functioning of the institutions of the Federation;

(c) They welcomed the momentum created by the results of the constituent assembly session held at Novi Travnik and by the Mostar Agreement of 18 May and supported the latest initiatives of the Governments of the United States of America and Germany to accelerate the solution to the remaining differences regarding the constitutional, legislative, administrative and other issues;

(d) The present situation on the ground and the danger of escalation of fighting urged the adoption of a comprehensive and joint Bosnian Croat and Bosniac strategy and a negotiation platform for involving also the Bosnian Serbs within their arrangements;

(e) The progress achieved in the establishment of a joint military command of the Federation and the immediate impact of those decisions on the situation on the ground further stressed the importance of creating an efficient command structure in accordance with the constitution of the Federation;

(f) The Federation-building process necessitated also the elaboration of a comprehensive political and national programme of both the Bosniacs and the Bosnian Croats as the constitution of the Federation was to have a deep impact on the social, cultural, religious and other aspects of lives of both nations;

(g) The implementation of the Washington Agreements might also be further encouraged and assisted by the establishment of a multilateral constitutional expert group as anticipated by the Munich Agreement and the Ministers called upon the joint diplomatic efforts in that regard;

(h) The enhancement of the Federation of Bosnia and Herzegovina was deeply related to the economic and social development and the Ministers committed themselves jointly to induce the public and private sectors of their respective countries to participate actively in the rehabilitation and development of the economy, in particular, the industrial base and the transport and communications system;

(i) The Ministers reaffirmed the right of the refugees and displaced persons to return to their homes. They further underlined the need for providing incentives and making life easier for returnees. They noted that the issues of refugees and displaced persons in Bosnia and Herzegovina within the Federation-building process was of critical importance and agreed that more assertive policy was needed in that regard, in particular related to the temporary shelter for the displaced persons in the territory of the Federation from other parts of Bosnia and Herzegovina. They further agreed to appeal jointly to the Friends of the Federation group and other international associations to elaborate and facilitate the realization of various projects for a solution to the issues of shelter, work, health care, education and other relevant issues;

(j) Alarmed by the decision of the Office of the United Nations High Commissioner for Refugees (UNHCR) to reduce humanitarian aid to Bosnia and Herzegovina, the Ministers decided to appeal to the international community, the United Nations, UNHCR and the Organization of the Islamic Conference (OIC) to continue to provide Bosnia and Herzegovina with the much-needed humanitarian aid.

The Ministers confirmed the determination of their Governments to bolster the trilateral cooperation in all fields and to undertake concrete steps to participate actively in the efforts of the international community to bring about a comprehensive settlement for the crisis in the region and the establishment of stability and a new security order.

The Ministers expressed their appreciation for the valuable role that the United Nations Protection Force (UNPROFOR) played in Bosnia and Herzegovina, provided that it carried out the function for which it had been designated. They reiterated their appreciation of Turkey's positive contribution to the peace process in the region, in particular through the deployment of Turkish troops under UNPROFOR in Bosnia and Herzegovina and also through the political and diplomatic activity of Turkey within the North Atlantic Treaty Organization (NATO), OIC and other international institutions.

The Ministers also expressed their conviction that continued activity of the good offices group constituted an asset of the trilateral cooperation.

The Ministers reiterated their intention to continue with their consultations on a periodical basis and to hold their next meeting at Ankara.

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Security Council

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S/1995/437
31 May 1995

ORIGINAL: ENGLISH

LETTER DATED 30 MAY 1995 FROM THE PERMANENT REPRESENTATIVES OF FRANCE, GERMANY, ITALY, THE RUSSIAN FEDERATION, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

We have the honour to draw to your attention a statement on Bosnia and Herzegovina which was issued on 29 May 1995 by the Troika of the European Union, the Foreign Ministers of the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Co-Chairmen of the International Conference on the Former Yugoslavia.

We would be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE
Permanent Representative of
France

(Signed) Francesco Paolo FULCI
Permanent Representative of Italy

(Signed) David HANNAY
Permanent Representative of the
United Kingdom of Great Britain
and Northern Ireland

(Signed) Detlev GRAF ZU RANTZAU
Permanent Representative of
Germany

(Signed) Sergey V. LAVROV
Permanent Representative of the
Russian Federation

(Signed) Madeleine Korbel ALBRIGHT
Permanent Representative of the
United States of America

Annex

Statement

The Foreign Ministers of France, Spain and Germany and the European Union Commissioner for External Affairs (representing the Troika of the European Union), the Foreign Ministers of the United Kingdom of Great Britain and Northern Ireland and of the Russian Federation and the Secretary of State of the United States of America, together with the Co-Chairmen of the International Conference on the Former Yugoslavia, met at The Hague on 29 May 1995.

They condemned the escalation of violence by the parties and any hostile act against United Nations personnel.

They most strongly condemned the shelling by the Bosnian Serbs of the safe areas, in particular at Tuzla on 25 May 1995. They consider that the outrageous acts against members of the United Nations Protection Force (UNPROFOR) and United Nations observers are unacceptable. They hold Pale leaders accountable for the security of United Nations personnel taken hostage and warn them that they will bear the consequences if these personnel are not correctly treated and returned unharmed to their units.

The Ministers once again strongly urge the Bosnian Serb authorities to accept the Contact Group plan as a starting-point for negotiations.

The Ministers agreed on the need to reinforce UNPROFOR. To this effect, they have decided on the need to secure UNPROFOR's right of freedom of movement, in general, and the right of access to safe areas in particular and to provide the United Nations with a capacity for rapid reaction. They requested the United Nations commanders urgently to consider the modalities of these measures. They stress the importance of a renewal of the cessation of hostilities agreement.

The Ministers agreed to give a new impetus to the diplomatic process in order to reach a political settlement of the conflict, which they consider as the only possible solution. They support mutual recognition among the States of the former Yugoslavia. In that respect, they agreed to make a new effort with a view to the earliest possible Federal Republic of Yugoslavia (Serbia and Montenegro) recognition of Bosnia and Herzegovina and the strengthening of the borders closure. A resolution on sanctions suspension should be finalized in the Security Council.

The Ministers will meet again in the near future in order to examine UNPROFOR's situation in the light of progress made by then in the above-mentioned military and political fields.

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S/1995/438
31 May 1995
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FRENCH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

1. Further to the note by the President of the Security Council dated 29 March 1995 (S/1995/234) concerning the Council's documentation and other procedural questions, the President of the Security Council wishes to state that all members of the Security Council have indicated their agreement with the following proposal:

> The practice of hearing comments by States and organizations concerned during closed meetings of the Sanctions Committees on issues arising from implementation of sanctions regimes imposed by the Security Council should be continued while respecting the existing procedures followed by such Committees.

2. The members of the Council will continue their consideration of other suggestions concerning the Council's documentation and related matters.

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31 May 1995
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GENERAL ASSEMBLY
Fiftieth session
Item 70 of the preliminary list*
GENERAL AND COMPLETE DISARMAMENT

SECURITY COUNCIL
Fiftieth year

Letter dated 31 May 1995 from the Permanent Representative of Kazakstan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of an address dated 26 May 1995 by the President of the Republic of Kazakstan, N. A. Nazarbaev, to all citizens of the Republic concerning the destruction of the last nuclear explosive device located at the former Semipalatinsk test site (see annex). I would be grateful if you would have this letter and the annex to it circulated as an official document of the General Assembly under item 70 of the preliminary list and as a document of the Security Council.

(Signed) Akmaral Kh. ARYSTANBEKOVA
Ambassador
Permanent Representative of Kazakstan
to the United Nations

* A/50/50/Rev.1.

95-16154 (E) 010695 010695 020695

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Annex

Address by the President of Kazakstan to all citizens of the Republic dated 26 May 1995

A line is finally being drawn under a long period of Kazak history connected with the testing and deployment of nuclear weapons in our country: The last nuclear explosive device at the former Semipalatinsk test site is to be destroyed.

For many years the long-suffering Kazak people bore the brunt of the international nuclear frenzy. Over a period of almost 45 years a total of 459 nuclear explosions were conducted on the Semipalatinsk steppe, 113 of them in the atmosphere. The health of half a million Kazaks who were exposed to atomic radiation was sacrificed to the insane nuclear arms race. We cannot begin to estimate the colossal material and moral damage inflicted on our people.

Of course, neither the population of the Republic nor the President could countenance this state of affairs. The permanent suffering inflicted on the victims and the sharp sword hanging over our heads have impelled me to heed the voice of reason and the voice of my heart: In August 1991 I promulgated a decree closing down the Semipalatinsk nuclear test site.

However, our country has continued to harbour the awful legacy of the cold war - the last nuclear explosive device emplaced there by the military departments of the former USSR prior to the closure of the test site.

At the time only a small group of Kazak and Russian specialists knew about this dangerous situation, but nevertheless in my capacity of head of State I never stopped thinking about the need to eliminate the danger. Since a nuclear detonation, albeit a very last one, was totally out of the question, I ordered work to be carried out on formulating various options for destroying the device which would be safe both for people and the environment. Specialists subsequently decided that the best option would be to eliminate the device using a conventional explosive. This method would not entail a nuclear explosion as such, and the chance of any radioactivity or ionizing radiation escaping has been totally excluded. The nuclear explosive device will be destroyed at the end of May or during the first 10 days of June.

All work connected with removing the device from storage has been conducted under my constant supervision. And during the last few days information about the completion of this unique operation has regularly passed across my desk. Kazakstan is therefore ensuring that the activities of the military personnel and specialists are closely monitored.

In a few days' time the final chapter in our State's nuclear history will be closed thanks to the efforts of Russian and Kazak specialist personnel. We have been persistently and systematically advancing towards this goal since achieving genuine independence. Let us recall the Alma Ata Declaration adopted in December 1991, when the nuclear-weapon States made an immediate commitment to

establish mechanisms for joint control of those weapons. We then signed the five-party Lisbon Protocol, thus committing ourselves to implement the Treaty on the Reduction and Limitation of Strategic Offensive Arms. In 1993 another historic event occurred - Kazakstan acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, whereupon it basically became a non-nuclear State. The security guarantees we received from the nuclear Powers demonstrate the international community's support for our principled position on disarmament issues.

Kazakstan intends to adhere closely to its international obligations. At the end of April this year the last lethal warheads were removed from the territory of the Republic. Henceforth Kazaks need not fear the nuclear genie which has always threatened to break free.

Following the elimination of its nuclear weapons, our country will undoubtedly grow stronger. By demonstrating our adherence to a policy of peace and cooperation, we have not only ushered a spirit of tranquillity and stability into our home but have also thrown open our doors to an equitable and fruitful dialogue with all other countries; we have resolutely embarked on the path of reforming our society and building a flourishing democratic State.

I firmly believe that I enjoy the support of all Kazaks, for whom the greatest treasure is a clear sky undimmed by the fires of war. For there is no greater happiness than to be sure of what tomorrow will bring, to work in peace, to raise one's children, and to tend one's hearth and home.

I hope that our country will be able to derive full benefit from the historic opportunity which has been offered us, and that it will embark on the road to civilized development. I wish you all peace, prosperity, happiness, well-being and tranquillity.

(Signed) Nursultan NAZARBAEV

UNITED NATIONS **S**

Security Council

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S/1995/440
31 May 1995
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 31 MAY 1995 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

As President of the Security Council for the month of May 1995, I have the honour to send you the attached letter concerning the resources necessary for the operations of the Security Council, which the members of the Council asked me to transmit to you.

I should be grateful if you would arrange for the appropriate distribution of this letter to the heads of the competent Secretariat services, in particular to Mr. Connor and Mr. Goulding. This document will also be circulated as an official document of the Security Council.

(Signed) Jean-Bernard MÉRIMÉE
President of the Security Council

95-16191 (E) 310595 310595 010695

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Annex

RESOURCES NECESSARY FOR THE OPERATIONS OF THE SECURITY COUNCIL

The members of the Security Council have asked me to write to you about the staffing of the Security Council Affairs Division of the Department of Political Affairs, and about the resources allocated to servicing the meetings of the Council and its committees.

The members of the Council wish to stress the importance they attach to the quality of work provided to them by the Security Council Affairs Division, and the significance of this work in carrying out their responsibilities for ensuring prompt and effective action by the United Nations in order to maintain international peace and security. Council members have studied statistics which have been provided by the Secretariat concerning the change in recent years in the volume of activity of the Council in comparison with the resources and services made available to it in discharging its duties; they note that these resources have hardly increased, and have on occasion decreased, between 1987-1988 and 1993-1994, whereas the work of the Council has increased enormously. Council members express their concern in the face of this situation and wish to call for adequate staffing to enable the Council and its committees to function effectively.

We wish to stress the importance we attach to the work of the Security Council Practices and Charter Research Branch and its need of adequate staffing resources.

We welcome the recent increase in staff to support the sanctions committees, and look forward to a report in due course on whether this increase has decreased the backlog in processing applications to these committees.

We should like to stress the need for Council members to be able to use the official language of their choice in all of their work. This means that interpretation services should be adequate for the discharge of all of the Council's responsibilities.

With regard to the staffing of the Secretariat Services Branch of the Council Affairs Division and the provision of interpreters by Conference Services, Council members request the Secretary-General to take the appropriate and necessary measures to ensure fully adequate support services for the Council, taking into account the increase in the Council's workload over recent years.

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Security Council

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S/1995/441
1 June 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 1 JUNE 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and further to my letter of 9 March 1995 (S/1995/197), I have the honour to inform you that while the Iraqi coastal vessel Al-Bay'ah was on its ninth fishing voyage, from 16 to 26 April 1995 south of Mina' al-Bakr, it was provoked, obstructed and escorted on its way by a United States frigate. The frigate was on station in the area between Mina' al-Amayah and Mina' al-Bakr inside Iraqi territorial waters.

These actions confirm the fact that the United States of America is continuing to engage in provocation against the republic of Iraq.

I request you to intervene, as required by the responsibility entrusted to you under the Charter of the United Nations, in order to prevent any repetition of such unwarranted actions and so that stability, peace and security may prevail in the region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

95-16326 (E) 020695 020695 050695

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NATIONS

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Security Council

Distr.
GENERAL

S/1995/442
1 June 1995

ORIGINAL: ENGLISH

LETTER DATED 31 MAY 1995 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990) CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith for the attention of the members of the Council the report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991).

The report was approved by the Committee on 30 May 1995.

(Signed) Detlev GRAF zu RANTZAU
Chairman
Security Council Committee established
by resolution 661 (1990) concerning
the situation between Iraq and Kuwait

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Annex

Report of the Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991)

1. The present report is submitted by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in accordance with paragraph 6, subparagraph (f), of the guidelines, 1/ for facilitating full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) of 3 April 1991 approved by Security Council resolution 700 (1991) of 17 June 1991.

2. Under paragraph 6, subparagraph (f) of the guidelines, the Committee is required to report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions of the Security Council. The present report is the sixteenth report submitted under the above-mentioned guidelines. The preceding reports were submitted on 13 September 1991, 2/ 10 December 1991, 3/ 12 March 1992, 4/ 11 June 1992, 5/ 8 September 1992, 6/ 4 December 1992, 7/ 19 March 1993, 8/ 7 June 1993, 9/ 7 September 1993, 10/ 14 December 1993, 11/ 4 March 1994, 12/ 6 June 1994, 13/ 2 September 1994, 14/ 29 November 1994, 15/ and 1 March 1995. 16/

3. By paragraph 12 of the guidelines, all States are requested to report to the Committee any information that may have come to their attention relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals. During the period under review no information as requested by paragraph 12 of the guidelines has been received by the Committee.

4. In accordance with paragraphs 13 and 15 of the guidelines, all States and international organizations are required to consult the Committee on the question of whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items, i.e., items meant for civilian use but with potential for diversion or conversion to military use. During the period under review, no States or international organizations have consulted the Committee on these questions.

5. By paragraph 14 of the guidelines, international organizations are requested to provide the Committee with any relevant information that may come to their attention. During the period under review, no information as requested by paragraph 14 of the guidelines has been received by the Committee.

6. Since the submission of the previous report of the Committee on 1 March 1995, no allegations of violations in connection with paragraph 24 of resolution 687 (1991) have been reported to the Committee.

7. The Committee will continue its efforts to fulfil the mandate entrusted to it. Since the last report of the Secretary-General, dated 4 December 1991, 17/ no further communications have been received from Member States pursuant to paragraph 4 of Security Council resolution 700 (1991).

30 May 1995

Notes

1/ S/22660, annex.

2/ S/23036.

3/ S/23279.

4/ S/23708.

5/ S/24083.

6/ S/24545.

7/ S/24912.

8/ S/25442.

9/ S/25930.

10/ S/26430.

11/ S/26874.

12/ S/1994/274.

13/ S/1994/695.

14/ S/1994/1027.

15/ S/1994/1367.

16/ S/1995/169.

17/ S/22884/Add.2.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1995/443
1 June 1995

ORIGINAL: ENGLISH

LETTER DATED 1 JUNE 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit a letter dated 1 June 1995 from H.E. Mr. Muhamed Sacirbey, Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina, addressed to Your Excellency.

May I ask for your kind assistance in distributing the present letter and its annex as a document of the Security Council.

(Signed) Ivan Z. MISIC
Chargé d'affaires a.i.

95-16284 (E) 010695 020695

/...

Annex

Letter dated 1 June 1995 from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council

President Izetbegovic, on 29 May 1995, had made an urgent request to the Secretary-General of the United Nations (see S/1995/433) as well as to the North Atlantic Treaty Organization (NATO) and the five members of the Contact Group, to receive clarification as to whether the United Nations and NATO exclusion zone around Sarajevo, and the related ultimatum, were being enforced.

We deserve and demand a formal reply. We have complied with the terms of the ultimatum, but now find ourselves under attack by the surrounding Serbian forces who have not complied. In fact, the Serbians have brought in new heavy weapons and are using stolen United Nations arms to attack and shell Sarajevo.

First, the ultimatum of NATO and the United Nations Protection Force (UNPROFOR) regarding the heavy weapons within the Sarajevo exclusion zone and, afterwards, second the subsequent failure of NATO and UNPROFOR to enforce this commitment have left us vulnerable and at a tremendous disadvantage to the besieging Serbian forces. We understand and share the concern regarding the fate of United Nations hostages held by the Serbians. At the same time, the responsible leadership of the United Nations, the Security Council and NATO cannot sacrifice the welfare of the Bosnian civilians, the integrity of the safe area/exclusion zone and resolutions setting out the relevant mandate by exclusively focusing on the hostages. This, in fact, only invites further terrorism and hostage-taking. Finally, it should be pointed out that while the ultimatum has been forgotten, the air strikes stopped and the Serbian attacks reintensified, conversely, the Serbians have not only returned to targeting Bosnian civilians but have also taken more United Nations hostages, believing that they have the international community once again retreating and backing away from its commitments.

It is the Security Council's clear responsibility to keep its commitments which, if not maintained, will have tragic and negative consequences for the civilian population and our country. Or, at least the Council can give us a clear indication regarding its will to honour the Sarajevo safe area/heavy weapons exclusion zone and the related ultimatum and commitments.

(Signed) Muhamed SACIRBEY
Minister of Foreign Affairs

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1995/444
30 May 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTIONS 982 (1995) AND 987 (1995)

I. INTRODUCTION

1. In paragraph 11 of its resolution 982 (1995) of 31 March 1995, the Security Council requested the Secretary-General to report, within eight weeks of the adoption of that resolution, on any developments on the ground, the attitude of the parties and other circumstances affecting the mandate of the United Nations Protection Force (UNPROFOR), taking into account the concerns raised by members of the Council and issues raised by the Government of the Republic of Bosnia and Herzegovina on the implementation of the mandate of UNPROFOR. In the latter context, it will be recalled that the President of Bosnia and Herzegovina himself had proposed, in a letter addressed to me on 22 March 1995 (S/1995/216), that the Council should undertake a thorough debate on UNPROFOR's role.

2. Subsequently, in its resolution 987 (1995) of 19 April 1995, the Security Council invited the Secretary-General to submit, on an urgent basis, proposals on any measures that could be taken to prevent attacks against UNPROFOR and its personnel and allow it to perform its mission effectively.

3. As the mandate, the attitude of the parties and the security and safety of UNPROFOR are inextricably interlinked, I have decided to combine my responses to those two resolutions in a single report. Dramatic developments have taken place on the ground since resolution 982 (1995) was adopted and these are described in section II below, which contains information available to United Nations Headquarters in New York up to midday New York time on 30 May 1995.

4. Given that a decision on options for change in UNPROFOR needs to be preceded by an examination of the Force's current role, section III of the report analyses each of the tasks entrusted to UNPROFOR by the Council, examines the extent to which the Force is currently able to implement these tasks and identifies what further resources or different procedures would be required for its full implementation, assuming a continuing lack of cooperation by the parties. Section IV discusses, in the light of that analysis, the Force's possible future role. Section V contains my observations and presents four options for the Council's consideration.

5. In preparing the report, I have borne in mind the sentiment expressed to me in recent weeks by a number of Member States, including members of the Security Council and troop-contributing countries, that the United Nations should remain engaged in Bosnia and Herzegovina and that, to make this possible, its existing mandate and/or the way in which it implements that mandate should be adapted. The Member States concerned have made clear that they hold this view notwithstanding the apparent decision of the parties to revert to war, as reflected in many of their actions before and since the expiry on 1 May 1995 of the cessation-of-hostilities agreement of 31 December 1994.

II. RECENT DEVELOPMENTS IN SARAJEVO

6. The Sarajevo agreement of February 1994 and the related exclusion zone and weapons collection points facilitated the removal or placement under United Nations control of heavy weapons and were successful in reducing the threat to civilians in the city. The frequency and intensity of fighting along the confrontation line was also reduced to periods of sniping, although machine-guns and anti-tank weapons were employed from time to time. The heavy weapons agreement remained effective, despite occasional violations, as long as both parties refrained from challenging UNPROFOR's limited supervisory capability on the ground and quickly rectified any violations. From the outset, it was clear that recourse to air power in response to violations could lead to serious consequences for UNPROFOR as a whole.

7. During the first year of the agreement, Bosnian Serb forces occasionally removed heavy weapons from United Nations-monitored weapons collection points. With the exception of one incident on 5 August 1994 that required limited use of air power, UNPROFOR was able to rely on negotiations to obtain the return of these heavy weapons. However, the continued lack of diplomatic progress and the breakdown in March 1995 of the 31 December 1994 cessation-of-hostilities agreement caused fighting to spread from the Bihac area to central Bosnia and Tuzla and then to Sarajevo. Bosnian Serb forces increased pressure on the city, by harassing convoys, hijacking United Nations vehicles, closing the airport to humanitarian and civilian traffic, sniping and firing heavy weapons at the Mount Igman road. Government forces were also responsible for a number of incidents.

8. Fighting around the city further intensified after the cessation-of-hostilities agreement expired on 1 May 1995, despite the persistent efforts of my Special Representative to obtain its renewal. Snipers targeted UNPROFOR personnel on a number of occasions. Bosnian Serb attempts to deny use of the Mount Igman road led to a mortar attack on 7 May 1995 that killed 10 military and civilian persons and wounded 30. This incident, and increased fighting in Sarajevo the following day, the heaviest the city had experienced since February 1994, again caused my Special Representative to consider using air power. The decision not to do so was criticized by some Member States. On 16 May 1995, government and Serb forces engaged in heavy fighting around key features that dominate both the city and the Serb-controlled road to Pale. This fighting escalated in intensity, leading to the sustained use of heavy weapons by the two sides, increased civilian and UNPROFOR casualties and mounting calls for stricter enforcement of the exclusion zone. Although UNPROFOR managed to restore some stability, tension continued.

9. On 22 May 1995, Bosnian Serb forces removed two heavy weapons from a weapons collection point. On 24 May 1995, fighting erupted again, with the Serbs firing heavy weapons from within a number of weapons collection points and the government forces firing from various positions within the city. Bosnian Serb forces removed three more weapons from weapons collection points. Tanks and rocket launchers were also reported within the heavy weapons exclusion zone. Sixteen civilians and military personnel were killed and at least 60 wounded. As previous measures had failed to restore respect for the heavy weapons agreement, and as neither side appeared ready to stop fighting, UNPROFOR decided to use all available means to restore compliance with the February 1994 agreement.

10. Late on 24 May 1995, my Special Representative issued a statement emphasizing the seriousness of the situation. This was followed by a warning by the Commander of UNPROFOR to the Bosnian Government and the Bosnian Serb party that their forces would be attacked from the air if all heavy weapons did not cease firing by 1200 hours the next day. Four heavy weapons removed from weapons collection points by the Serbs were also to be returned at the same time. A second deadline, 24 hours later, was established for the removal out of range, or the placement in weapons collection points, of all heavy weapons that had been introduced into the area by the two sides. When issuing this warning, UNPROFOR recognized that non-compliance would require a strong response and that a significant risk to exposed UNPROFOR personnel was likely to result.

11. While all possible protective measures were taken, UNPROFOR had no alternative but to continue its mandated tasks. In any case, many observation posts and weapons collection points were located in Serb-held areas and already subject to strict and detailed control of movement by the Bosnian Serbs. Although it was possible to improve local defences and to suspend resupply convoys, large numbers of exposed personnel could not be withdrawn because of the overriding requirement to maintain observation and liaison. It would also have made little sense to conduct air strikes to achieve the return of a few heavy weapons if the United Nations had no personnel at the weapons collection points to monitor their return; nor would it have made sense to abandon the hundreds of weapons in other sites.

12. The first air strike took place at 1620 hours on 25 May 1995, as a result of the failure of the Bosnian Serbs to respect the deadline for the return of heavy weapons. The target, limited to two bunkers within an ammunition dump near Pale, was selected in order to make an effective strike while reducing the risk of casualties or unnecessary collateral damage. After the strike, Bosnian Serb forces surrounded a number of weapons collection points. All safe areas, except Zepa, were shelled, resulting in particularly heavy casualties in Tuzla, where some 70 civilians were killed and over 130 injured. As the Serbs had again employed heavy weapons around Sarajevo and had still failed to return the missing weapons to weapons collection points, a second attack on the six remaining bunkers in the Pale ammunition dump was conducted at 1030 hours on 26 May 1995. Bosnian Serb forces reacted by surrounding additional weapons collection points, taking United Nations military observers into custody and using a number of them as human shields to deter further air attacks on potential targets and by cutting electricity to the city.

13. Constraints on observation from both the ground and the air made it difficult to verify compliance by both sides with the requirement to clear heavy weapons from the exclusion zone by 1200 hours on 26 May 1995. Relative calm had returned to the city. The situation with respect to UNPROFOR detainees was uncertain and dangerous. For all these reasons, it was decided to review the situation before considering further military action.

14. On 27 May 1995, the Serbs seized an UNPROFOR observation post at the Vrbanja bridge in Sarajevo and detained some United Nations soldiers. The position was recaptured by UNPROFOR at the cost of 2 dead and 14 wounded. There were also Serb casualties. The same day, it became apparent that some UNPROFOR detainees were being moved to other locations. The next day, Bosnian Serb forces detained additional UNPROFOR personnel whose movements had been blocked following the air strikes or who were necessarily deployed at exposed locations in the Gorazde area. As of 30 May 1995, UNPROFOR reported that 199 personnel were detained by the Bosnian Serb forces, many of them in humiliating circumstances and in violation of international norms of military conduct, and that a further 224 were at locations where access and movement were being denied by those forces.

15. Relative calm currently prevails in Sarajevo but this has been achieved at an unavoidable but high cost in detained personnel and in the complete isolation of United Nations forces in the Sarajevo area. UNPROFOR has also lost control over heavy weapons in collection points from which its personnel have been removed and is subjected to further restrictions on its freedom of movement. There has been a complete breakdown in negotiations to reopen Sarajevo airport and utilities are again being cut. The problem of resupply in Sarajevo and the eastern enclaves has been further aggravated. Finally, the ability of United Nations forces to operate effectively, efficiently and safely throughout much of Bosnia and Herzegovina, on the basis of impartiality and the consent of all parties, is now seriously compromised.

III. ANALYSIS OF THE MANDATE OF THE UNITED NATIONS PROTECTION FORCE IN BOSNIA AND HERZEGOVINA

A. General

16. Since the start of its deployment in Bosnia and Herzegovina, UNPROFOR's mandate has been plagued by ambiguities that have affected the Force's performance as well as its credibility with the parties, with the members of the Security Council and with the public at large. UNPROFOR is not a peace-enforcement operation and some confusion has arisen as a result of references to Chapter VII of the Charter of the United Nations in some Security Council resolutions relating to its mandate, particularly as regards the use of force other than in self-defence. Many of the concerns raised by members of the Council and the Government of the Republic of Bosnia and Herzegovina on the implementation of the mandate reflect this confusion. The analysis that follows therefore pays particular attention to Security Council resolutions containing a reference to Chapter VII. It should be read in conjunction with the detailed analysis previously submitted to the Council in my report of 16 March 1994 (S/1994/300).

17. It will be recalled that, in response to a request from the Security Council, I explored the feasibility of a United Nations peace-keeping operation in Bosnia and Herzegovina at the earliest stages of the conflict in that country. In my report of 12 May 1992 (S/23900), I concluded that the conflict was not "susceptible to the United Nations peace-keeping treatment" because of a lack of agreement between the parties. I added that the disrespect for United Nations peace-keepers manifested by the warring factions was already at such a level that "these are not conditions which permit a United Nations peace-keeping operation to make an effective contribution". The Council did not at that time proceed with the deployment of a United Nations peace-keeping operation in Bosnia and Herzegovina.

18. As the conflict continued, however, the Council, in its resolution 757 (1992) of 30 May 1992, determined that the situation in Bosnia and Herzegovina and in other parts of the former Socialist Federal Republic of Yugoslavia constituted a threat to international peace and security, and, acting under Chapter VII of the Charter, imposed comprehensive mandatory economic sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro). It also demanded that "all parties and others concerned create immediately the necessary conditions for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina, including the establishment of a security zone encompassing Sarajevo and its airport ...". The Council requested that I continue to use my good offices in order to achieve these objectives and invited me to keep under continuous review any further measures that could become necessary to ensure unimpeded delivery of humanitarian supplies.

B. Good offices, liaison and negotiation

19. Shortly thereafter, the Security Council began to request the Secretary-General and UNPROFOR to use their good offices to assist the parties to end the fighting and settle their differences by peaceful means. Such requests have since been repeated at frequent intervals (see, for instance, resolution 758 (1992), para. 9; resolution 764 (1992), para. 9; resolution 908 (1994), para. 13; resolution 959 (1994), paras. 5 and 6, etc.).

20. This task has throughout been a priority for UNPROFOR and has accounted for much of the time of my Special Representative and his senior staff. Considerable successes have been achieved, beginning with the Sarajevo airport agreement of 5 June 1992. Unfortunately, UNPROFOR has had less success in subsequently persuading the parties to honour their commitments, as will be evident from the following subsections of the present report. This task will nevertheless continue to be one of the most important entrusted to a continuing United Nations peace-keeping operation in Bosnia and Herzegovina.

C. Sarajevo airport

21. Following the agreement on the reopening of Sarajevo airport, the Council approved, in its resolution 758 (1992), my recommendation to deploy UNPROFOR at

the airport, with no reference to Chapter VII of the Charter. Resolution 761 (1992), which authorized the actual deployment, again made no reference to Chapter VII. However, the Council demanded that all parties and others concerned cooperate fully with UNPROFOR and international humanitarian agencies and organizations and take all necessary steps to ensure the safety of their personnel. In the absence of such cooperation, the Council did not exclude the possibility of taking other measures to deliver humanitarian assistance to Sarajevo and its surrounding areas. The deployment of UNPROFOR to Sarajevo airport was, therefore, based on an agreement and conducted under normal peace-keeping rules and procedures.

22. It will be recalled from paragraph 18 of document S/1994/300 that UNPROFOR's mandate related to Sarajevo airport was:

(a) To ensure the immediate security of the airport and its installations;

(b) To supervise the operation of the airport and control its facilities and organization, including local civilian personnel;

(c) To facilitate the unloading of humanitarian cargo and ensure the safe movement of humanitarian aid and related personnel through the establishment of security corridors between the airport and the city;

(d) To verify the withdrawal of anti-aircraft weapons systems from within range of the airport and its approaches and monitor the concentration of artillery, mortar and ground-to-ground missile systems in specified areas to be agreed upon.

23. The airlift into Sarajevo organized by the Office of the United Nations High Commissioner for Refugees (UNHCR) has become the longest lasting such airlift in aviation history. It has succeeded in delivering more than 150,000 tons of humanitarian relief to the people of Sarajevo and has been an important means of meeting UNPROFOR's logistic needs in that city. However, deteriorating conditions in recent weeks have brought about a situation in which UNPROFOR, denied the cooperation of the parties, is no longer able to ensure the security of the airport and its installations or the uninterrupted continuation of humanitarian operations there. Comparative figures for the number of flights and tons of humanitarian relief delivered in the months of March and April 1993, 1994 and 1995 are as follows:

	March/April 1993	March/April 1994	March/April 1995
Flights flown	500	746	241
Tons delivered	5 273	9 934	4 303

24. The principal threat to the security of the airport has been the frequent firings at aircraft using it, mainly by the Bosnian Serb side but also on several occasions by the Bosnian Government side. Unless both sides resume

cooperation with UNPROFOR's operations at the airport and desist from firing at aircraft using it, UNPROFOR could ensure its security only by taking military action to deter the use of, or destroy, the weapons concerned. As these are mostly mortars and heavy machine-guns that are easily concealed and quickly moved, this objective could be achieved only by deploying large numbers of ground troops with a mandate to use force against elements believed to be involved in attacks against the airport. The only practical means of keeping the airport functioning, therefore, is to obtain the consent and cooperation of the parties.

D. Humanitarian convoy protection

25. With the further deterioration in the humanitarian situation in Sarajevo and other parts of Bosnia and Herzegovina during the period immediately following the deployment of UNPROFOR to Sarajevo airport, the Council, in its resolution 770 (1992) of 13 August 1992, acting under Chapter VII of the Charter, called upon "States to take nationally or through regional agencies or arrangements all measures necessary to facilitate in coordination with the United Nations the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina". This resolution, which was directed at Member States, did not create any additional mandate for UNPROFOR.

26. Following the adoption of that resolution, a number of Member States proposed that the function identified in it could be added to the mandate of UNPROFOR, operating in accordance with the established principles and practices of United Nations peace-keeping operations. After the London Conference of August 1992, it was agreed by potential troop contributors that, instead of proceeding with the implementation of resolution 770 (1992), they would contribute troops to UNPROFOR for this purpose under a new resolution. In my report of 10 September 1992 (S/24540), I noted that, "in providing protective support to UNHCR-organized convoys, the UNPROFOR troops concerned would follow normal peace-keeping rules of engagement. They would thus be authorized to use force in self-defence". I explained that, in this context, self-defence was deemed to include situations in which armed persons attempted by force to prevent United Nations troops from carrying out their mandate. I also pointed out that it was essential that all parties uphold the undertakings they had made and cease forthwith their attacks on United Nations personnel and property. Should this not occur, I suggested that the Council would have to consider what further steps might be necessary to ensure UNPROFOR's security and enable it to fulfil its mandate. The Security Council approved my report in its resolution 776 (1992) and authorized the enlargement of UNPROFOR, without citing Chapter VII of the Charter or authorizing "all measures necessary".

27. It will be recalled from paragraph 20 of document S/1994/300 that UNPROFOR's mandate related to the protection of humanitarian activities has included the following tasks:

(a) To provide support to the efforts of UNHCR to deliver humanitarian relief throughout Bosnia and Herzegovina, particularly through the provision of convoy protection when so requested;

(b) To provide protection for other humanitarian agencies with the approval of UNHCR;

(c) To protect United Nations facilities, including UNHCR storage centres, if so requested;

(d) To provide protection for convoys of released detainees on request by the International Committee of the Red Cross (ICRC) and with the concurrence of the Force Commander that the request is practicable.

28. These tasks have continued to constitute the main demands on UNPROFOR's time and resources in Bosnia and Herzegovina. The difficulties impeding their full implementation have been fully described in many previous reports to the Security Council. They centre essentially on the refusal by the various parties, but especially by the Bosnian Serbs, to respect UNPROFOR's freedom of movement and their readiness in some areas to use humanitarian assistance as a means of furthering their war aims. This can take the form of denying such assistance to populations that the party concerned is trying to drive from their homes. It can also take the form of seizing a proportion of humanitarian cargoes for the party's own use. In spite of these difficulties, UNHCR and UNPROFOR have been successful in meeting the humanitarian requirements in most parts of Bosnia and Herzegovina. As the following table shows, it is mainly in Bihac, and more recently in Sarajevo, that non-cooperation by the parties has caused major shortfalls in delivery of the targeted assistance:

Percentage of targeted assistance delivered in various areas of Bosnia and Herzegovina, January-April 1995

	Jan.	Feb.	Mar.	Apr.
Safe areas				
Sarajevo	132	119	71	64
Bihac	15	47	29	10
Tuzla	126	72	85	43
Gorazde	90	82	80	82
Srebrenica	87	71	71	81
Zepa	87	50	47	63
Bosnian Serb-controlled areas				
Eastern Bosnia	88	98	103	104
Banja Luka region	89	82	93	90
Federation-controlled areas				
Southern Bosnia and Herzegovina	94	72	86	89
Zenica region	114	52	92	65
Orasje region	95	69	96	100

29. Unless all concerned, and especially the Bosnian Serb party, respect the freedom of movement of UNHCR and UNPROFOR, there is little that UNPROFOR can do to ensure more effective implementation of the tasks assigned to it in the humanitarian field. The view expressed by some that the use of force by UNPROFOR, including the application of air power, would make it possible to "fight the convoys through" to the besieged safe areas across the confrontation lines overlooks two important factors: first, the vulnerability to reprisals of dispersed personnel of the United Nations and non-governmental organizations (NGOs) and, second, the fact that the Force has neither the mandate nor the military resources to initiate operations to ensure that no party could block the convoys' progress by any means. Military protection serves primarily to dissuade random or unorganized attacks; it cannot substitute for the consent and cooperation of the parties.

E. "No-fly zone"

30. Resolution 781 (1992) declared a ban on all military flights in the airspace of Bosnia and Herzegovina and mandated UNPROFOR to monitor compliance with it and to ensure that the purposes of flights to and from Bosnia and Herzegovina were consistent with Security Council resolutions. Resolution 816 (1993) expanded the ban on air activity and authorized Member States to take "under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures" to ensure compliance with it. Both resolutions were adopted under Chapter VII of the Charter. Since 12 April 1993, aircraft of the North Atlantic Treaty Organization (NATO) have, at my request, flown in the airspace of Bosnia and Herzegovina to enforce the no-fly zone.

31. UNPROFOR's role as regards this part of its mandate is confined to ground monitoring at selected airfields in the area; all action related to enforcement is undertaken by NATO. Despite a large number of violations by helicopters carrying personnel ("flying trucks"), the no-fly zone has been largely successful in discouraging the use of the airspace of Bosnia and Herzegovina for combat purposes. A recent exception, however, involved several sorties flown by the Croatian air force through Bosnian airspace to bomb positions in Sector West in Croatia.

F. Border monitoring

32. In resolutions 787 (1992) and 838 (1993) the Security Council asked me to consider adding to UNPROFOR's mandate the task of deploying monitors on the borders of Bosnia and Herzegovina to facilitate implementation of the arms embargo on all the republics of the former Socialist Federal Republic of Yugoslavia, the sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the call for non-interference by outside forces in the conflict in Bosnia and Herzegovina. In my report of 1 July 1993 (S/26018), I recommended that, if UNPROFOR was to carry out this task in a credible manner, some 10,000 additional troops would be required. The report was not approved by the Council pending confirmation of the availability of troops and observers. Of the 10 Member States that were asked whether they could make these resources

available, only 2 were willing to provide a limited number of observers. Resolution 838 (1993) has therefore not been implemented. However, elements of border monitoring have been included in the mandate of the United Nations Confidence Restoration Operation in Croatia, known as UNCRO; these would include the monitoring of certain positions on Croatia's international border with Bosnia and Herzegovina.

G. Safe areas

33. The Security Council established a "safe area" for Srebrenica in its resolution 819 (1993). In resolution 824 (1993) it decided that Sarajevo, Tuzla, Zepa, Gorazde, Bihac and their surroundings should also be treated as safe areas. Although the Council acted under Chapter VII in both resolutions, that Chapter was cited in the context of resolution 815 (1993), which had referred to it in relation only to the security of UNPROFOR personnel. As a result, there was no enforcement component to the safe area concept at its inception. Resolution 836 (1993) referred to Chapter VII, but paragraph 9 defined the parameters for the use of force as being "in self-defence" and the mandate given to UNPROFOR did not include any provision for enforcement. It was as follows:

(a) To deter attacks against the safe areas;

(b) To monitor the cease-fire in the safe areas;

(c) To promote the withdrawal of military or paramilitary units other than those of the Bosnian Government from the safe areas;

(d) To occupy key points on the ground;

(e) To participate in the delivery of humanitarian relief to the population in the safe areas.

In my report of 14 June 1993 (S/25939) I informed the Council that approximately 34,000 additional troops would be required if deterrence through strength was to be obtained, but said that it would be possible to start implementing resolution 836 (1993) with a "light option" of about 7,600 troops, as an initial approach with limited objectives that assumed the consent and cooperation of the parties. In its resolution 844 (1993), the Council opted for the light option.

34. UNPROFOR has had mixed results in carrying out its responsibilities in the safe areas. When the consent and cooperation of the parties has been forthcoming, it has achieved considerable success. The presence of observers and patrols has enabled the Force to monitor cease-fires, stabilize confrontation lines and improve security by resolving localized disputes or outbreaks of fighting. Its military and civilian staff have also assisted in arranging medical evacuations, delivering and reporting on humanitarian aid, and brokering local agreements to improve the population's living conditions. Finally, the presence of even limited United Nations forces has enhanced security for international humanitarian workers and provided a capacity to

promote and supervise local withdrawals and other confidence-building arrangements.

35. However, UNPROFOR's ability to carry out its safe-area mandate and particularly to deter deliberate attacks on the areas has been severely limited by the inherent deficiencies of the safe-area regime, to which I have more than once drawn the Council's attention, most recently in my report of 1 December 1994 (S/1994/1389), and by the military activities of the two sides. In recent weeks these difficulties have increased as relations have deteriorated between the parties and the safe areas have been drawn into the intensifying conflict throughout the country.

36. It should be recalled that resolution 836 (1993) does not require the Government of the Republic of Bosnia and Herzegovina to withdraw its military or paramilitary units from the safe areas. However, the Council has, in presidential statements, made it clear that "provocative actions by whomsoever committed" were unacceptable (S/PRST/1994/14 and 57). As I emphasized in document S/1994/1389, the party defending a safe area must comply with certain obligations if it is to achieve the primary objective of the safe area regime, that is, the protection of the civilian population. Unprovoked attacks launched from safe areas are inconsistent with the whole concept.

37. In recent months, government forces have considerably increased their military activity in and around most safe areas, and many of them, including Sarajevo, Tuzla and Bihac, have been incorporated into the broader military campaigns of the government side. The headquarters and logistics installations of the Fifth Corps of the government army are located in the town of Bihac and those of the Second Corps in the town of Tuzla. The Government also maintains a substantial number of troops in Srebrenica (in this case, in violation of a demilitarization agreement), Gorazde and Zepa, while Sarajevo is the location of the General Command of the government army and other military installations. There is also an ammunition factory in Gorazde.

38. The Bosnian Serb forces' reaction to offensives launched by the government army from safe areas has generally been to respond against military targets within those areas, often at a disproportionate level. Notwithstanding the provocation, these acts of the Bosnian Serb forces violate the safe-area regime and other local agreements. The Serbs have also initiated unprovoked shelling of safe areas. In both cases civilian casualties have occurred. UNPROFOR's mandate to deter attacks upon the safe areas requires it to react to Serb actions, irrespective of whether the Serbs are responding to offensives launched by the other side. When they are doing so, however, the impartiality of UNPROFOR becomes difficult to maintain and the Force is seen as a party to the conflict, with resulting risks to isolated United Nations personnel.

39. UNPROFOR's capacity to carry out its safe-area mandate has also been affected by the Bosnian Serbs' denial of freedom of movement to and from the three eastern safe areas (Gorazde, Srebrenica, Zepa), as a result of which resupply of UNPROFOR personnel by road has become virtually impossible. UNPROFOR's stocks of fuel in these three safe areas have recently fallen to dangerously low levels. If the Bosnian Serb side persists in blocking resupply convoys, the only way to resupply UNPROFOR personnel in these three areas would

be by helicopter, which would involve considerable dangers and of which I would inform the Security Council.

40. As the inadequacy of UNPROFOR's current mandate as a means of ensuring tolerable conditions in the safe areas has become clearer, there has been increasing pressure on the Force to use air power to "protect" them. In my last report on the safe areas (S/1995/1389), I referred to a number of constraints that limit the use of air power as a deterrent (and it is to be remembered that deterrence is the only means UNPROFOR is mandated to use against attacks on the safe areas). The most significant of those constraints, highlighted in Bihac in November 1994, has been the introduction of air defence systems by the Bosnian Serb forces. As a result of this new threat, any use of air power at the present time must take into account the possible prior need, in advance of a contemplated air strike, to suppress air defence systems that threaten NATO aircraft. Such pre-emptive military action, while undeniably necessary to ensure the safety of the NATO aircraft, is inevitably considered by the Bosnian Serbs as a hostile act and can therefore take UNPROFOR beyond the limits of a peace-keeping operation and quickly make it a party to the conflict.

41. In the final analysis, the only effective way to make the safe areas, as well as other areas of Bosnia and Herzegovina, truly safe, pending a comprehensive political solution achieved through negotiations, is to define a regime acceptable to both parties and to promote mutual respect for the arrangements to which, in the case of three of the safe areas, they have agreed. The use of force is an imperfect instrument to achieve that objective. In this context I again invite the Council to give consideration to the recommendations in my reports of 9 May 1994 (S/1994/555) and 1 December 1994 (S/1994/1389). In the latter report, I particularly emphasized the need to demilitarize the safe areas and thus establish a regime that would be in line with the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, which have gained general acceptance in the international community.

H. Monitoring of the cease-fire within the Federation

42. Following the signature on 23 February 1994 of a cease-fire agreement between the Chiefs of Staff of the Army of Bosnia and Herzegovina and the Croatian Defence Council, UNPROFOR, pursuant to Security Council resolution 908 (1994), assumed the following additional tasks:

(a) To monitor the cease-fire along the confrontation lines with patrols and observation posts;

(b) To establish heavy weapons collection sites;

(c) To monitor the heavy weapons that were not being handed over;

(d) To monitor the exclusion zone to prevent any return of heavy weapons;

(e) To transport and protect prisoners during exchanges;

(f) To assist in repairs to utilities.

Except for minor incidents, this cease-fire has been widely respected and the presence and good offices of UNPROFOR on both sides of the cease-fire line have greatly contributed to stabilizing the situation within the Federation and to building confidence between the two communities.

I. Sarajevo

43. Among the safe areas, Sarajevo has received particular attention from the Security Council. Following the cease-fire that came into effect in the city on 8 February 1994, the Security Council, acting under Chapter VII, adopted resolution 900 (1994), which gave UNPROFOR a number of additional tasks related to the normalization of life in the city, as follows:

(a) To help the parties to achieve complete freedom of movement of people and goods to, from and within Sarajevo, to remove any hindrance to such freedom of movement and to help to restore normal life to the city;

(b) Through the office of the Special Coordinator for Sarajevo, to assist in the normalization of life.

44. Initially, UNPROFOR was able to take advantage of resolution 900 (1994) to mediate various agreements with the parties, notably on the opening of two routes across Sarajevo airport for civilian traffic and humanitarian goods. These routes were extensively used by both parties from March to July 1994 and from January to March 1995, during which times they contributed greatly to a relative normalization of life. UNPROFOR also mediated an anti-sniping agreement and, in March 1994, an agreement for the use of the routes across Mount Igman for civilian and humanitarian traffic. The Office of the Special Coordinator for Sarajevo made considerable progress in 1994 in restoring utilities and other measures of normalization.

45. However, in recent weeks the significance of Sarajevo as a locus for pressure by the Bosnian Serb party on the Government and on the international community has again come to the fore. That party has closed the airport routes, has in effect closed the airport by refusing to guarantee the security of flights, has resumed shelling of the city, has fired on the Mount Igman road, has violated the anti-sniping agreement and has tightened its control on access to the Government-held areas. For its part, the Bosnian Government has also violated the anti-sniping and Mount Igman agreements, has used UNPROFOR as a shield for offensive and provocative activities and has increasingly applied restrictions on the Force's movement. Both sides have directly targeted UNPROFOR personnel, resulting in fatal casualties. This increased hostility and obstruction of UNPROFOR by both sides has seriously curtailed the Force's operational and logistic capability in the city.

46. If UNPROFOR were in a position unilaterally to reverse the situation in Sarajevo through, for example, reopening the routes across the airport and Mount Igman and forcibly removing the illegal Bosnian Serb checkpoint into the city, it would gladly do so. But, unless substantially reinforced and reconfigured into a combat force, it would not be able to keep the routes open. The same is true of Sarajevo airport. Without the cooperation and consent of the parties, a

very large ground force would be required to enable UNPROFOR to ensure the security of the airport.

47. I remain convinced that the best way to achieve these objectives is for the parties to agree on the demilitarization of the city. My Special Representative has worked hard to attain this goal and has been encouraged by recent reaffirmations by Bosnian Government officials of their continued interest in it. Unfortunately, however, it is evident that there is at this time insufficient trust between the parties for even a step-by-step demilitarization process to begin.

J. Exclusion zones

48. Following the two grave incidents of shelling in Sarajevo in February 1994, I addressed a letter to the Secretary-General of NATO in which I requested him to obtain, at the earliest possible date, a decision by the North Atlantic Council to authorize the Commander-in-Chief of NATO's Southern Command to launch air strikes against artillery or mortar positions in or around Sarajevo that were determined by UNPROFOR to be responsible for attacks against civilian targets in that city. The North Atlantic Council, in its decision of 9 February 1994, decided to establish a "heavy weapons exclusion zone" of 20-kilometre radius around Sarajevo, excluding Pale. On 18 April 1994, faced with an extremely difficult situation in Gorazde, I addressed a similar request to the Secretary-General of NATO in which I asked him to obtain a decision by the North Atlantic Council with respect to the five other safe areas, namely Tuzla, Zepa, Gorazde, Bihac and Srebrenica. The North Atlantic Council's decision for Gorazde was more complex, as explained in detail in my report of 19 May 1994 (S/1994/600). It created two zones around Gorazde: a 3-kilometre-radius "total exclusion zone" and a 20-kilometre-radius "military exclusion zone" within Bosnia and Herzegovina. No exclusion zones were proclaimed around the other safe areas.

49. I welcomed both decisions by the North Atlantic Council as being in accordance with paragraph 10 of Security Council resolution 836 (1993), namely to support UNPROFOR in the performance of its mandate regarding the safe areas. However, there is a certain ambiguity about the use of air power with regard to the exclusion zones around Sarajevo and Gorazde. On the one hand, the Security Council resolutions regarding the safe areas do not refer to the exclusion zones nor do they establish any special regime for those zones. The decisions by the North Atlantic Council, on the other hand, state that certain weapons systems, if found within the 20-kilometre zones after a certain date, will be subject to attack by NATO aircraft. In both places the weapons concerned were either withdrawn or placed in authorized weapons collection points by the dates specified, in accordance with agreements reached with the parties. While the exclusion zones, with the threat of NATO air enforcement, initially proved successful, compliance with them has since been difficult to maintain because of the large area to be covered and the difficult terrain. If either side chooses not to comply with the agreements it has signed, it is easy for it to hide weapons in the zones or to introduce new ones into them.

50. UNPROFOR's mandate as regards the exclusion zones can be summarized as follows:

(a) To monitor the parties' compliance with them;

(b) To control the heavy weapons placed by the parties in designated weapons collection points.

The experience of recent weeks in Sarajevo has shown that this mandate immediately ceases to be viable if the parties fail to honour their commitments. UNPROFOR has found it impossible to prevent the Bosnian Serb side, in particular, from entering the weapons collection points and either withdrawing heavy weapons or firing them from within those sites. By the date of this report, UNPROFOR had lost control of all the weapons collection points in the Sarajevo exclusion zone. It has also become clear that both parties introduced heavy weapons into the exclusion zones after implementation of the agreements of February 1994.

51. As in other cases, the only reliable solution to this problem is the cooperation of the parties and their readiness to respect agreements they have entered into. Enforcement of the exclusion zones can be done only imperfectly from the air. The troops deployed at the weapons collection points, which are within territory controlled by the party that owns the weapons, are vulnerable to detention; nor does UNPROFOR have the means to extricate them in a crisis without the consent of that party. To guarantee complete respect for the zones, it would again be necessary to deploy very large numbers of ground troops with the capability of controlling the more than 1,200 square kilometres covered by each of the 20-kilometre exclusion zones.

K. Security and freedom of movement of UNPROFOR: the use of force

52. Reference has been made in almost all the preceding subsections of the present report to the dangers to which UNPROFOR and other United Nations personnel are exposed and to the essential importance of freedom of movement for the Force. The current mandate requires UNPROFOR to deploy units in many isolated locations that can be resupplied and rotated only by sending convoys through Bosnian Serb-controlled areas. UNPROFOR must also deploy observers, soldiers and civilians in small groups in order to maintain an extensive and flexible liaison and observation network. Although UNPROFOR can protect its personnel to some extent from isolated attacks by uncontrolled elements, its mandate can be performed in relative safety only with the consent and cooperation of all parties.

53. When consent and cooperation are not forthcoming, only limited measures are available to reduce the risks to the Force's personnel, though these all involve ceasing important assigned tasks. Weapons collection points, for example, can be abandoned. UNPROFOR can cease anti-sniping patrols. Larger convoys can be operated, but they will be less frequent and overall delivery rates may be less efficient. Increasing the numbers of personnel deployed at observation posts can improve security to some extent but limits the number of posts that can be

occupied, thus reducing the flexibility and extent of UNPROFOR's observation. To forego interpositioning of troops on the confrontation lines would reduce UNPROFOR's ability to prevent and contain fighting at a local level and its capacity to deter attacks on safe areas.

54. These difficulties have caused the Security Council to take a number of decisions under Chapter VII of the Charter. The first such decision, which related to the security of UNPROFOR personnel, was in resolution 807 (1993) and was repeated in subsequent resolutions on the renewal of UNPROFOR's mandate. Resolution 847 (1993) and those thereafter extended the application of Chapter VII to the Force's freedom of movement.

55. These references to Chapter VII may have created some ambiguity as to how UNPROFOR should react to a threat to its security or an obstruction of its freedom of movement. The use of force is often the appropriate response to an individual incident. It is not generally realized how often UNPROFOR uses its weapons in self-defence. In a recent week, for instance, 3 anti-tank missiles and over 100 shells were fired for this purpose. But a general pre-emptive use of force to ensure security or freedom of movement would lead to an escalation that would make UNPROFOR a party to the conflict and place the lives of personnel in danger. The reality, as recognized in resolution 987 (1995), is that there can be no better protection for UNPROFOR than for the parties themselves to recognize their responsibility for ensuring its security and freedom of movement.

56. There is a more general point to be made regarding the use of force. It will be clear from the foregoing analysis of the Security Council's references to Chapter VII that the Security Council did not initially contemplate an enforcement role for the Force in Bosnia and Herzegovina. Authority for the use of force did not, therefore, go beyond the right of self-defence inherent in any United Nations peace-keeping operation. This was reflected in the level of armament with which troop-contributing countries were asked to equip their contingents and in the arrangements made by the United Nations for the logistic support of the Force. This initial decision reflected a recognition that UNPROFOR's deployment on the ground and the tasks that it was to perform could be achieved only with the consent and cooperation of the parties on the basis of mutually acceptable agreements. Neither the operation of Sarajevo airport nor the delivery of aid over great distances and across confrontation lines nor monitoring, patrolling and reporting could be achieved without the consent and cooperation of the parties; and that consent and cooperation could be assured, in the midst of war, only by strict adherence to the peace-keeping principles of impartiality and transparency.

57. Subsequently the use of air power was authorized not only for the defence of UNPROFOR personnel but also to deter attacks on the safe areas. UNPROFOR has requested NATO to use its air power on nine occasions when my Special Representative has deemed such action necessary and appropriate. In all cases air power was used against Bosnian Serb targets or targets in Serb-controlled parts of Croatia that had been operating in support of the Bosnian Serbs. On 12 March 1994, close air support was requested when UNPROFOR troops came under fire near Bihac but was not implemented because of bad weather. On 10 and 11 April 1994, close air support was provided near Gorazde; this was the first

occasion on which the Bosnian Serb side retaliated with restrictions on UNPROFOR's freedom of movement. On 5 August 1994, air strikes were made against targets in the Sarajevo exclusion zone. On 22 September 1994, an air strike was made near Sarajevo following an attack on an UNPROFOR armoured car. On 21 and 23 November 1994, air strikes were made against Udbina airfield in Croatia, which had been used to launch air attacks in the Bihac safe area, and against surface-to-air missiles in western Bosnia and Herzegovina and in the Krajina region of Croatia that had threatened NATO aircraft. In retaliation, the Bosnian Serbs detained more than 400 UNPROFOR personnel, whose release was not completed until 13 December 1994 after three weeks of hard negotiation. On 25 and 26 May 1995, air strikes were conducted against targets near Pale, as described in section II above.

58. Experience gained as a result of those incidents has confirmed that great difficulties are involved in the use of air power in support of a peace-keeping operation. The wider political and security implications must therefore be taken fully into account when such action is contemplated. Using force against only one party, whether directly or through regional arrangements, alters that party's perception of the neutrality of UNPROFOR, with the risk that its personnel and those of other United Nations agencies come to be identified with the use of force and perceived as a party to the war. Being widely dispersed, they become extremely vulnerable to obstruction, detention and other forms of harassment, as has now been demonstrated on three separate occasions (see preceding paragraph). The party concerned can also react by refusing to participate in dialogue and negotiation when these are most needed. A decision to use air power, therefore, requires careful consideration of all these possible consequences and cannot be based on predetermined or automatic criteria. In addition, the existence of separate commands for the forces on the ground and those in the air heightens the risk that actions undertaken by the latter could have unforeseeable consequences for the former. This is why the "dual-key" procedure developed between UNPROFOR and NATO is of such vital importance.

59. The above views on the use of air power and the use of force more generally have been unanimously held by all the Force Commanders of UNPROFOR. Some troop-contributing Governments that initially favoured, or at least were ready to tolerate the use of air power, now express serious reservations about it in the context of UNPROFOR's current mandate. Opposition to its use has also been expressed by some members of the Security Council.

IV. FUTURE ROLE OF UNPROFOR

60. The analysis in the foregoing section raises the basic question of whether UNPROFOR is to be a peace-keeping operation, conducting itself in accordance with the established principles and practices for such operations, or an enforcement operation.

61. At present the Force's mandate, on a literal reading of the relevant resolutions, is almost entirely peace-keeping. But it also contains some elements of enforcement; and the perception in many quarters is that the disastrous situation in Bosnia and Herzegovina is due to the Force's failure to

enforce the will of the international community rather than being due to the consistent failure of the parties to honour their commitments and cooperate with a Force to which the Council has given a largely peace-keeping mandate.

62. The question of whether UNPROFOR is about peace-keeping or enforcement is not one that can be avoided. As I have written elsewhere, "nothing is more dangerous for a peace-keeping operation than to ask it to use force when its existing composition, armament, logistic support and deployment deny it the capacity to do so. The logic of peace-keeping flows from political and military premises that are quite distinct from those of enforcement; and the dynamics of the latter are incompatible with the political process that peace-keeping is intended to facilitate. To blur the distinction between the two can undermine the viability of the peace-keeping operation and endanger its personnel ... Peace-keeping and the use of force (other than in self-defence) should be seen as alternative techniques and not as adjacent points on a continuum, permitting easy transition from one to the other" (S/1995/1, paras. 35 and 36).

63. It is true that the threat of force has sometimes produced positive results. NATO's readiness to shoot down offending aircraft has on the whole prevented the use of Bosnia and Herzegovina's airspace for combat purposes. The threat of force also helped to establish the Sarajevo heavy weapons exclusion zone in February 1994. But the Bosnian Serb side quickly realized that it had the capacity to make UNPROFOR pay an unacceptably high price if air power was used on its behalf. That capacity was demonstrated after close air support was provided in Gorazde in April 1994, after air strikes on Udbina airfield and on missile sites in Bihac in November 1994 and again after air strikes near Pale on 25 and 26 May 1995. On all these occasions, large numbers of United Nations personnel were taken hostage, further restrictions were placed on the Force's freedom of movement and negotiations were brought to an abrupt halt, except for the lengthy negotiations required to secure release of the hostages. These events demonstrated the perils of crossing the line from peace-keeping to enforcement without first equipping the Force with the manpower, armament, logistic and intelligence capacity and command and control arrangements that would give the necessary credibility to its threat to use force by showing that it had the ability to respond decisively to any hostile reaction.

64. The absence of a clear enforcement mandate in the Council's resolutions on Bosnia and Herzegovina, notwithstanding their frequent references to Chapter VII, and the Council's reluctance to authorize the additional troops that I have judged necessary to enable it to perform even its peace-keeping functions (34,000 for the safe areas, 10,000 for border monitoring), permit one to conclude that the Council's answer to the above question is that, so far, it has wished UNPROFOR to be a peace-keeping operation.

65. If that remains the Council's wish, the consequence is that, like all peace-keeping operations, UNPROFOR will be able to carry out its mandate only if it enjoys, on a continuous basis, the consent and cooperation of the warring parties. Given their lamentable record in this respect, it is important to avoid creating unrealistic expectations of what the Force can achieve. If, as appears to be the case, both of the parties are determined to prosecute the war, the Force's achievements are likely to be rather limited and it may not be cost-effective to maintain in Bosnia and Herzegovina a large military force that can

be made to appear impotent whenever the parties so choose, with consequent damage to the image and credibility of the Organization.

V. OBSERVATIONS

66. UNPROFOR is not, as many of its critics seem to believe, deployed to end the war in Bosnia and Herzegovina; that is a task for the peacemakers, currently led by the members of the "Contact Group", who are supported by the two Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and by my Special Representative. Nor is it an army that has been sent out to fight on one side in the war, though it is often criticized as if it had failed to prosecute a war effectively. It is, instead, a mission deployed by the Security Council to fulfil three purposes: to alleviate the consequences of the war, notably through helping in the provision of humanitarian aid; to contain the conflict, and mitigate its consequences, by imposing constraints on the belligerents, through the establishment of such arrangements as a "no-fly zone", safe areas and exclusion zones; and to promote the prospects for peace by negotiating local cease-fires and other arrangements, maintaining these where possible and providing support for measures aimed at an overall political settlement. The Force has so far had considerable success in fulfilling these purposes, but they are not an end in themselves. They attempt to produce conditions that will enable the peacemakers to negotiate an overall solution.

67. The parties' readiness to accept UNPROFOR and the constraints it tries to impose on their behaviour depends on how far they perceive it to be promoting a goal that is in their interests. The Force faces two problems in this respect. First, neither party seems to have reached the firm conclusion that it has a better chance of achieving its objectives at the negotiating table than on the battlefield. The result is that UNPROFOR's efforts to reduce the intensity of the conflict can cause it to be seen by the parties as more of a hindrance than a help. Secondly, international efforts to mediate a negotiated solution seem to have come close to a standstill. It is, for instance, more than 16 months since there was a round of negotiations at which all the Bosnian parties were present. None of the options discussed below for adapting the Force's mandate to the realities on the ground will be effective unless there is a real prospect of a negotiated solution in the foreseeable future. It is, therefore, imperative that decisions by the Security Council on the future of UNPROFOR should be accompanied by a relaunching and intensification of the peace process through a significant new initiative, possibly in a new format. The Council may also wish to start reviewing, at regular intervals, progress made in the negotiations and the implications thereof for UNPROFOR.

68. Meanwhile, UNPROFOR remains deployed in a war situation where, after more than three years, there is still no peace to keep. Its position is further complicated by the fact that its original peace-keeping mandate, which cannot be implemented without the cooperation of the parties, has gradually been enlarged to include elements of enforcement, which cause it to be seen as a party to the conflict. The safe-areas mandate, for instance, requires it to cooperate and negotiate daily with a party upon whom it is also expected to call air strikes in certain circumstances. Similarly, the United Nations has imposed sanctions

on one party but at the same time has sent out a Force that is obliged to work with the consent and cooperation of that party. The result is that Bosnian Serb leaders have now largely withdrawn their consent and cooperation from UNPROFOR, declaring that they are applying their own "sanctions" to the United Nations in response to United Nations sanctions on them.

69. As a result of these contradictions, UNPROFOR now finds itself obstructed, targeted by both sides, denied resupply, restricted in its movements, subjected to constant criticism - in short, in a predicament that my Special Representative, the Theatre Force Commander, many of the troop-contributing Governments and I myself no longer consider tolerable. The extent of the predicament has been highlighted by the air strikes of 25 and 26 May 1995 and their aftermath, which are described in section II above. That crisis now makes it necessary to take urgent measures to release the hostages, to adapt UNPROFOR's mandate and its implementation to the political and operational realities on the ground and, as already noted, to relaunch the peace process.

70. I am extremely concerned that so many UNPROFOR personnel have been detained by the Bosnian Serbs. Their earliest possible release is for me an urgent priority, on which I have been in touch with many world leaders and with my Special Representative. As was learnt in previous such incidents in April and November 1994, this objective is best achieved by negotiation. UNPROFOR therefore continues to maintain the closest possible contact with the Bosnian Serbs in order to monitor the location and welfare of all detainees and obtain their release. In consultation with troop contributors and other interested countries, my Special Representative has communicated with President Milosevic. While demanding from Mr. Karadzic the immediate and unconditional release of the detainees, my Special Representative is monitoring closely the attitude of the Bosnian Serbs so that negotiations can be initiated at the first opportunity. I welcome the support that is being given to these efforts by the members of the Contact Group and other interested countries and organizations. ICRC is endeavouring to visit detained UNPROFOR personnel.

71. Since my briefing to the Council on 16 May 1995, the events of 25 and 26 May and their aftermath have, as already noted, made even clearer the untenability of UNPROFOR's current situation and the need to clarify whether its role is peace-keeping or enforcement. The Bosnian Serbs' violation of the Sarajevo exclusion zone, their criminal shelling of civilian targets in Tuzla and elsewhere after a carefully measured NATO air strike on a military target and their inexcusable retaliation against United Nations personnel, including unarmed military observers performing liaison duties in Pale, have violently highlighted the conditions in which UNPROFOR has to operate and the dangers inherent in the inconsistencies of its present mandate.

72. After reflecting on these developments and after further consultations with my Special Representative and the Theatre Force Commander, I have somewhat refined the options that I mentioned to the Council on 16 May and I now present the following four options for the Council's consideration:

Option A: To withdraw UNPROFOR, leaving at the most a small political mission, if that was the wish of the parties;

Option B: To retain UNPROFOR's existing tasks and the methods currently used to implement them;

Option C: To change the existing mandate to permit UNPROFOR to make greater use of force;

Option D: To revise the mandate so that it includes only those tasks that a peace-keeping operation can realistically be expected to perform in the circumstances currently prevailing in Bosnia and Herzegovina.

Recent events have demonstrated that any option which involves the continuing presence of UNPROFOR in Bosnia and Herzegovina will need to be accompanied by measures, including the possible deployment of additional forces, to provide better security both for UNPROFOR personnel and for the personnel of UNHCR and other civilian agencies that work with it.

73. In considering these options, the Council will also wish to take into account the repercussions that any change in UNPROFOR's mandate and/or method of operation could have on the work of UNHCR and other humanitarian agencies in Bosnia and Herzegovina. UNHCR's continued role as lead humanitarian agency in providing humanitarian assistance and protection to refugees, to the displaced and to other persons affected by the conflict, while at the same time preparing for the future repatriation of refugees, could require re-evaluation and possibly renegotiation with the parties, depending on the option chosen by the Council.

74. I do not advocate option A. Recent events have caused some of the Governments contributing troops to UNPROFOR to speak of the possible withdrawal of the Force but none of them has expressed itself in favour of that option if tolerable conditions can be created to permit the Force to continue its operations. I myself took the precaution of writing to the Secretary-General of NATO on 10 February 1995 to ask that NATO prepare plans that would enable it to assist in extricating UNPROFOR from Bosnia and Herzegovina if withdrawal became unavoidable. A precedent for such multinational assistance for the withdrawal of a United Nations peace-keeping operation has been created in Somalia. NATO's planning is now, I understand, close to completion. But withdrawal is an option of last resort. It would be tantamount to abandonment of the people of Bosnia and Herzegovina and an admission of the United Nations inability to help to resolve a war in which, to the world's horror, one ethnic group has used force of arms to try to change the ethnic map of a Member State and all parties have, to a greater or lesser extent, been guilty of attacks against civilians and other atrocities. My purpose in the present report, therefore, is to advise the Council on steps that it could take to ensure that UNPROFOR remains in Bosnia and Herzegovina with a better chance than at present of implementing the mandate entrusted to it by the Council.

75. Nor do I advocate option B. The analyses of UNPROFOR's current mandate in section III above and of its possible future role in section IV above indicate

why I believe that the Force has become a mission impossible. An attempt to maintain the status quo would further reduce its ability to provide effective help on the humanitarian and political fronts and would bring more United Nations casualties and more damage to the Organization's credibility. I am convinced that, if the decisions taken by the Council in response to the present report amounted, deliberately or by default, to maintenance of the status quo, the time would soon come when withdrawal of the Force would become inevitable.

76. Option C would require substantial reinforcement of the Force and a change in its mandate so that it could initiate military action when the consent and cooperation of a party was withheld and ensure the protection of its own personnel and those of UNHCR and other civilian agencies if this led to retaliation and further escalation. This could be a viable option to ensure that the Bosnian Serbs and the other parties to the conflict respect the Security Council's decisions. Some of the Governments contributing troops to UNPROFOR have informed me of national plans to deploy additional forces to reduce the vulnerability of UNPROFOR personnel. I welcome these initiatives. But the Governments concerned have also indicated that they are contemplating additional deployments to strengthen UNPROFOR's capacity to carry out its mission. If their intention is that UNPROFOR should use force for this purpose, I do not believe that this would be appropriate for a peace-keeping operation like UNPROFOR. It would, in my view, be necessary to replace UNPROFOR with a multinational force authorized by the Security Council but under the command of one or more of the countries contributing troops to it, as has been the case in Somalia and Haiti. It will be recalled that, on 24 July 1994, I wrote to the President of the Council to express my concern about the viability of UNPROFOR's operations in Bosnia and Herzegovina if the Contact Group countries were to apply by force what were then referred to as "disincentives" to the Bosnian Serbs. I would have similar concerns if the Council decided that UNPROFOR should implement option C.

77. The reasons for this view have been fully argued in the present report. UNPROFOR's current situation is due to the fact that the Bosnian Serbs' failure to cooperate with the Force has led to the gradual addition to its mandate of tasks that are incompatible with its peace-keeping and humanitarian roles. Option C would take UNPROFOR even further across the line dividing peace-keeping from enforcement action. The resulting threats to its security and to its ability to carry out its peace-keeping and humanitarian mandates might to some extent be mitigated by reinforcing it with additional troops and armament. But there would then be the risk that, as with the United Nations Operation in Somalia, the need to concentrate its personnel in larger groups in secure locations would seriously impair its ability to perform its substantive tasks. Nor do I believe that the United Nations currently has the capacity to manage an operation that could involve combat on a considerable scale if, as I fear to be likely, one or other of the parties were to respond to force with force. With unpaid contributions to the UNPROFOR special account currently amounting to $898 million (nearly 80 per cent of a year's expenditure on the Force), there must also be doubts about whether United Nations procedures could ensure the necessary financial support for an operation on the scale that would probably be required.

78. Under option D, the Council would revise UNPROFOR's mandate so that the Force would be required to perform only those tasks that a peace-keeping operation can reasonably be expected to perform in the circumstances prevailing in Bosnia and Herzegovina. These would include good offices, liaison and negotiation; monitoring cease-fires, etc. as long as the parties remained willing to implement them; maintaining a presence in the safe areas, after negotiating appropriate regimes for them but without any actual or implied commitment to use force to deter attacks against them; operation of Sarajevo airport with the consent of the parties; facilitating the normalization of life in Sarajevo; escorting humanitarian convoys and supporting other humanitarian activities; border monitoring, if accepted by the parties; and the use of force, including air power, only in self-defence.

79. This option would probably require some redeployment and could eventually lead to a reduction in the Force's strength. But in the short term some reinforcement on the lines offered by some contributing Governments would be needed to ensure UNPROFOR's security as it adjusted to the revised mandate. Option D would also reduce the risks to which UNPROFOR personnel are currently exposed in the safe areas, at weapons collection points and elsewhere when air power is used at the Force's request. It would, I believe, give UNPROFOR a realistic mandate that would enable it to help to contain the situation in Bosnia and Herzegovina without creating expectations that it could either enforce an end to the war or join it to fight on the side of one of the parties.

80. I would like to conclude this report with the following personal thoughts. The United Nations is currently experiencing in Bosnia and Herzegovina dramatic events that recall other crises that have afflicted its peace-keeping operations in past decades. The Organization's reaction to these events will again have a decisive effect on its standing for many years to come. These are, truly, defining moments. In dealing with them we must not lose sight of three interconnected objectives, which represent the very essence of the United Nations: the quest for peace, the protection of human life and the rejection of a culture of death. These objectives will take time to attain and they will be attained only through the successful use of non-military methods.

81. In the present crisis, the safety of, and respect for, the personnel of peace-keeping forces and humanitarian agencies must be high priorities. All of us have been troubled by the television pictures of United Nations personnel being humiliated and placed in danger in recent days. I pay tribute to their courage and steadfastness and I express my condolences to the families of those who have given their lives. I also grieve for the civilians who have been killed in Bosnia and Herzegovina. We must not put more lives in jeopardy for the sake of short-term solutions. What is threatened is not only the lives of peace-keepers and humanitarian workers on the ground but also the future ability of the United Nations to conduct effective peace operations.

82. Finally, the credibility of the United Nations is of the utmost importance and must be safeguarded at all times. Few things damage it more than to give United Nations peace-keepers tasks that cannot be accomplished in prevailing circumstances. And the damage is not only to peace-keeping. Loss of United Nations credibility there will affect the Organization's endeavours for development, for the environment, for human rights and for every other important objective. This is another reason why we must always insist on the inviolability of United Nations personnel in peace operations.

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S/1995/445
1 June 1995
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 1 JUNE 1995 FROM THE PERMANENT REPRESENTATIVE OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to attach a copy of the declaration adopted on 31 May 1995 by the States members of the Organization of the Islamic Conference (OIC) concerning the United Nations Protection Force (UNPROFOR). I should be grateful if you could arrange to have it distributed to the members of the Security Council and circulated as an official document of the Council.

(Signed) Ahmed SNOUSSI
Ambassador
Permanent Representative

95-16290 (E) 010695 020695

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Annex

[Original: English]

Declaration on the United Nations Protection Force adopted by the Organization of the Islamic Conference on 31 May 1995

The Organization of the Islamic Conference (OIC), deeply concerned over the erosion of the mandate of the United Nations Protection Force (UNPROFOR) in the Republic of Bosnia and Herzegovina and the suffering of the civilian population there as a result of that erosion, reaffirms its resolve to strengthen UNPROFOR. In this context, OIC presents the following.

OIC commends the courageous efforts of the UNPROFOR troops deployed in the Republic of Bosnia and Herzegovina in the pursuit of their duties, in difficult circumstances presenting great risks. OIC strongly condemns the Pale Serbs for the cowardly act of taking hostages of UNPROFOR personnel in contravention of international law. It stresses that Pale's leadership bears full responsibility for this terrorist act, as well as any further harm that may come to these UNPROFOR troops. OIC considers it imperative that the international community not succumb to this blackmail, whose motive is to subvert the five nations Contact Group peace plan, undermine the resolve of UNPROFOR, and by extension NATO, in fulfilling their mandate, and to subject the Bosnian Government to further iniquitous concessions. OIC demands the immediate and unconditional release of all these UNPROFOR personnel.

OIC firmly believes that the only response in the light of the current situation is not retreat, but rather resolve, and the robust implementation of the full UNPROFOR mandate contained in the relevant Security Council resolutions. OIC takes special note that numerous other fellow troop contributors have expressed the same during recent meetings of troop contributors in New York and at The Hague.

OIC believes that if any UNPROFOR mission is to reassert credibility and achieve success, its foremost priority must be the civilian population.

OIC, noting the strategic, logistical and political importance of Sarajevo as the capital of the Republic of Bosnia and Herzegovina and as the region's pluralistic cornerstone, urges measures to reverse the deteriorating situation in and around the city, which has arisen as a result of Pale Serb actions. OIC stresses the need to achieve full compliance with the Sarajevo exclusion zone. Violations of the exclusion zone, especially the targeting of civilians, which is a war crime, must be met with the use of judicious, rather than proportionate, force. Furthermore, OIC recalls that the concept of the exclusion zone and the "weapons collection sites" therein were developed as an alternative to airstrikes. If this alternative is violated, forceful action must be undertaken.

Likewise, the Gorazde exclusion zone must be respected, while the safe areas as a whole must be considered individually in order to ensure that the motive behind their establishment is fulfilled, namely protection of the

civilian population and as a means to preserve the territorial integrity of the Republic of Bosnia and Herzegovina. As such, any proposals with respect to the safe areas, including demilitarization, must fulfil this motive. In this context, OIC expresses its contempt for the terrorist act committed against Tuzla's civilian population, resulting in the murder of 71 young individuals, and notes that this is the type of heinous crime which was to be deterred by the safe area concept, and, as a terrorist act, warrants a judicious response. OIC reaffirms the relevant resolutions of the Security Council on the safe areas and calls for their full implementation, and in this regard, is pleased to recall the positions of numerous troop contributors who oppose abandonment of the safe areas.

OIC is deeply troubled by the humanitarian situation in the Republic of Bosnia and Herzegovina, in particular the eastern enclave safe areas and the Bihac safe area, manifested by shortages of food, medicines and other essentials. OIC fully supports the establishment of land corridors to facilitate aid deliveries as well as the use of air-drops. With regard to Sarajevo, OIC urges that UNPROFOR take measures to secure fully the Blue Route, as it is Sarajevo's lifeline, and to reopen Sarajevo airport.

OIC is aware of the need to effectuate better security for UNPROFOR troops, and towards this end stresses the need for more personnel and better equipment for UNPROFOR troops and deployment measures to leave UNPROFOR troops less exposed. While striving to minimize the exposure of United Nations mandated forces to threats and hostage taking, OIC stresses that there can be no erosion of the mandate and commitment of the United Nations forces to their mission. OIC, in order to achieve the above, reiterates the readiness of OIC countries to contribute further to UNPROFOR, especially those that have expressed readiness to contribute troops to replace any withdrawing troops, and calls upon the Secretariat to consider seriously these offers in the process of strengthening UNPROFOR. In this context, OIC is encouraged by contributions of additional troops to UNPROFOR by other fellow troop contributors. It sees this as a positive trend, indicating a determination by the international community not to give in to Pale Serb intimidation, a renewed commitment to fulfil a mandate given, to see a just solution for Bosnia and Herzegovina, and to end the suffering of Bosnia's beleaguered population.

OIC recognizes that the role of UNPROFOR must be complemented by an active political process, consistent with the Charter of the United Nations. The OIC Contact Group on Bosnia and Herzegovina maintains its willingness to meet with the five nations Contact Group to facilitate a just and peaceful solution, and one that ensures the Republic of Bosnia and Herzegovina's political unity and territorial integrity. The OIC Contact Group on Bosnia and Herzegovina also looks to establish more regular contact with the Secretariat, in order to facilitate timely exchanges of information and to forward the peace process.

OIC reaffirms the Declaration of the OIC Contact Group Foreign Ministers at the meeting at Rabat on 18 May 1995, in which it was reiterated that the arms embargo neither legally nor morally applies to the Republic of Bosnia and Herzegovina.

OIC instructs its Working Group on Bosnia and Herzegovina to prepare an analysis and response to the report of the Secretary-General on the future of UNPROFOR as well as other options offered by other relevant organizations.

OIC avails itself of this opportunity to express its deepest sympathy to the family of and the Government of H.E. Dr. Irfan Ljubljankic, Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina, who was murdered during the criminal shooting of the helicopter in which he was travelling.

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LETTER DATED 25 MAY 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to refer to the letter of 3 May 1995 addressed to you by the Permanent Representative of Kuwait and circulated as document S/1995/357. I should like to state that this letter contains palpable falsehoods that are intended to exert an adverse influence on the periodic review of the sanctions imposed on Iraq. This is an approach that Kuwait has persisted in adopting whenever the time for a review approaches. In my letter of 10 March 1995 (S/1995/195), I gave Iraq's response to similar Kuwaiti sophistries.

We reaffirm to you hereunder our refutation of the allegations again made in the letter of the representative of Kuwait.

1. Missing persons

Despite the claims of the representative of Kuwait, the meetings of the tripartite committee and its technical subcommittee have yielded tangible results. Some 230 dossiers on missing Kuwaitis and others have been processed since Iraq began to investigate the fate of missing persons in June 1994, having devised a procedure based on recollections because of the destruction of all official documentation in the southern governorates during the subversive civil disturbances of 1991. The technical subcommittee has processed 168 dossiers since its establishment on 8 December 1994, as stated by the International Committee of the Red Cross (ICRC) at the meeting of the tripartite committee held at Geneva on 7 April 1995.

The Government of Iraq remains committed to the provisions relating to missing Kuwaitis contained in paragraphs 30 and 31 of Security Council resolution 687 (1991). Iraq has never failed to meet its obligations, and it has made a serious endeavour by attending all of the technical meetings. As a result four dossiers were closed by the Kuwaiti authorities after being discussed by Iraq on a previous occasion; the remains of one Kuwaiti who had been included in the number of the missing were handed over to his relatives; and Iraq is still seeking to close the dossiers on a number of missing Kuwaitis who were ascertained to have died in numerous incidents. It is regrettable, however, that the Kuwaiti regime is withholding its technical cooperation from

the Iraqi authorities investigating the fate of its missing persons and is refusing to provide information that would facilitate the search. It has become clear to us that this regime is obstructing the work of the technical subcommittee for the political purposes revealed in the letter in question from the representative of Kuwait and as exemplified by the maintenance of the unjust embargo against Iraq even if that should mean prolonging the suffering of the families of missing Kuwaitis.

The assertion of the representative of Kuwait that Iraq refused to sign the minutes of the most recent meeting of the tripartite committee, that was held at Geneva on 7 April 1995, is completely devoid of truth. The actual state of affairs is that none of the parties signed the minutes, not even Kuwait, when the representative of Kuwait insisted on imposing political conditions that bore no relation to the humanitarian issue on which the meeting had been convened. ICRC, which chaired the session, thereupon suspended the meeting.

Since the work of the subcommittee began, the Kuwaiti regime has demonstrated that it is not interested in finding a solution to this humanitarian issue and it has, on the contrary, proceeded to politicize it and to give currency to misinformation and disinformation on the deliberations of the committee in a manner incompatible with the agreed rules relating to the tripartite committee. The most recent evidence that it is evading its responsibilities is perhaps its last-minute unilateral cancellation, without providing any justification, of a preparatory meeting that was to have been held at the Iraq-Kuwait boundary.

Iraq continues to cooperate with ICRC in seeking a speedy solution to this humanitarian issue on the basis of the customary international rules governing such activities, and it is ICRC that is in fact in the best position to determine whether, as the representative of Kuwait claims, Iraq is not cooperating with it.

2. Return of Kuwaiti property

The representative of Kuwait admits that Iraq is making a serious effort to close the file on this matter. He nevertheless seeks to disparage the major and genuine efforts that Iraq has been making to return the property in question, as witnessed by the report of the Secretary-General contained in document S/1994/243. The representative of Kuwait thereby seeks to arouse suspicion as to Iraq's intentions in this regard. I assure you, once again, that Iraq is prepared to return any item found that is proved to have belonged to Kuwait. As you know, through the United Nations coordinator for the return of property, the return of damaged military equipment began on 22 April 1995 and is still under way.

3. Other matters

That the representative of Kuwait sees fit to introduce into his letter the matter of Security Council resolution 986 (1995) is an intentional manoeuvre and is intended to influence the members of the Council. Iraq's position with respect to that resolution has been enunciated in Iraq at all official and popular levels. The mention by the representative of Kuwait of the human

suffering of the Iraqi people blatantly contradicts all of the policies and practices of his Government aimed at using all of its resources to promote the maintenance of the embargo against Iraq.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 1 June 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter dated 31 May 1995 from H.E. Mr. Hasan Muratovic, Minister in the Government of the Republic of Bosnia and Herzegovina, President of the State Committee for Cooperation with the United Nations, addressed to Your Excellency (see annex).

May I ask for your kind assistance in circulating the present letter and its annex as a document of the General Assembly under agenda item 39, and of the Security Council.

(Signed) Ivan Z. MISIC
Chargé d'affaires

95-16296 (E) 010695 020695

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ANNEX

Letter dated 31 May 1995 from the Minister in the Government of Bosnia and Herzegovina and President of the State Committee for Cooperation with the United Nations addressed to the Secretary-General

The extraordinary session of the Government of the Republic of Bosnia and Herzegovina held on 31 May 1995 was devoted to the difficult security and humanitarian situation in Sarajevo.

The Government concluded that the entire United Nations mission in Sarajevo, complete with the ultimatum of the North Atlantic Treaty Organization, had been out of control since 17 May 1995, and especially after Serb aggressor forces took complete control of weapons concentrated at former weapon collection points previously guarded by the United Nations Protection Force (UNPROFOR). The lives of our citizens are in constant danger and attacks with heavy weapons against Sarajevo are taking place every day.

We are forced to ask you whether the United Nations mission still exists and whether the NATO ultimatum is still in force.

The humanitarian situation in Sarajevo has deteriorated catastrophically. Since Sarajevo Airport was closed for airlift operations on 8 April 1995, food deliveries provided by the Office of the United Nations High Commissioner for Refugees (UNHCR) have become increasingly sporadic, and since 20 May 1995 UNHCR has not brought any food at all to the city. Serb aggressor forces cut the power, water and gas supply lines to the city, which has made the survival of our citizens even more difficult.

In order to avoid catastrophic consequences, we demand:

(a) That UNPROFOR be restored in full and that UNPROFOR, besides its occupation with its own problems, again assume its role of protecting the total exclusion zone of Sarajevo and the convoys transporting food to the city, all in conformity with the resolutions and other relevant documents of the Security Council, as well as with the NATO ultimatum;

(b) That UNHCR and UNPROFOR, without delay, start food deliveries by the route Metković-Tarčin-Hrasnica-Sarajevo, with the use of all necessary means for providing security on this route;

(c) That UNPROFOR, in conformity with previous Security Council documents, take control of the energy and water supply systems for the city of Sarajevo.

Excellency, we believe that you are fully aware of the role the United Nations had assumed as regards Sarajevo and of individual responsibility in the event of catastrophe threatening its inhabitants, that you grasp the gravity of the situation and that you will act accordingly and at once.

(Signed) Hasan MURATOVIĆ
Minister
President of the Committee